

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAKIRAH ABDULLAH	:	
1734 South Hollywood St.	:	
Philadelphia, PA 19145	:	CIVIL ACTION
	:	
Plaintiff,	:	No.: _____
	:	
v.	:	
	:	
FREDERICK DOUGLASS MASTERY	:	
CHARTER SCHOOL	:	
d/b/a Frederick Douglass Elementary School:	:	JURY TRIAL DEMANDED
2118 West Norris Ave.	:	
Philadelphia, PA 19121	:	
:	:	
Defendant.	:	
	:	

**COMPLAINT**

Shakirah Abdullah (*hereinafter* referred to as “Plaintiff,” unless indicated otherwise) by and through her undersigned counsel, hereby avers as follows:

**INTRODUCTION**

1. Plaintiff has initiated this action to redress violations by Frederick Douglass Mastery Charter School (*hereinafter* “Defendant”) of the Family and Medical Leave Act (“FMLA”- 29 USC § 2601), Title VII of the Civil Rights Act (“Title VII”- 42 U.S.C. 2000e *et seq.*), the Americans with Disabilities Act (“ADA” - 42 USC §§ 12101 *et. seq.*), and the Pennsylvania Human Relations Act (“PHRA”).<sup>1</sup> As a direct consequence of Defendant’s unlawful actions, Plaintiff seeks damages as set forth herein.

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<sup>1</sup> Plaintiff’s claims under the PHRA are referenced herein for notice purposes. Plaintiff dual filed said claims with the Pennsylvania Human Relations Commission (“PHRC”). Plaintiff intends to amend her complaint to include PHRA claims once administrative remedies are exhausted.

### **JURISDICTION AND VENUE**

2. This Court has original subject matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of federal laws.

3. This Court may properly assert personal jurisdiction over Defendant because its contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the Supreme Court of the United States in *Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945), and its progeny.

4. Pursuant to 28 U.S.C. § 1392(b)(1) and (b)(2), venue is properly laid in this district because Defendant is deemed to reside where it is subjected to personal jurisdiction, rendering Defendant a resident of the Eastern District of Pennsylvania.

### **PARTIES**

5. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

6. Plaintiff is an adult individual, with an address set forth in the caption.

7. Frederick Douglass Master Charter School is a charter school serving grades K-8 in North Philadelphia.

8. At all times relevant herein, Defendant acted by and through its agents, servants and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for the Defendant.

**ADMINISTRATIVE REMEDIES**

9. The foregoing paragraphs are incorporated herein their entirety as if set forth in full.
10. Plaintiff has satisfied the procedural and administrative requirements for proceeding with an action under the ADA and Title VII/PDA.
11. Plaintiff filed a timely written charge of discrimination with the Equal Employment Opportunity Commission alleging violations of said statute on or about May 17, 2021.
12. Plaintiff's charge was cross-filed with the Pennsylvania Human Relations Commission.
13. The instant action is timely because it is initiated within ninety ("90") days after the receipt of a Right to Sue letter from the EEOC mailed on or about August 4, 2021.
14. Plaintiff has exhausted federal administrative remedies as to the allegations of the instant Complaint.
15. Once Plaintiff has exhausted administrative remedies under the PHRA pursuant to 43 P.S. § 962(c)(1), she will seek leave to amend this pleading at any time permissible by Fed.R.Civ.P. 15.

**FACTUAL BACKGROUND**

16. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
17. Plaintiff was employed by Defendant as a Teacher.
18. Plaintiff worked for Defendant for approximately 4 years until her unlawful termination on or about November 17, 2020.
19. In the 2019/2020 school year, Plaintiff was pregnant and she began maternity leave before her child was born in May of 2020.

20. Following the birth of her child, Plaintiff was diagnosed with Post Partum Depression (“PPD”).

21. Plaintiff returned from maternity leave in or about October of 2020.

22. At all relevant times herein, Plaintiff was supervised by Jillian Bryant (hereinafter “Bryant”).

23. Plaintiff was also indirectly reported to the principal of the school.

24. While on maternity leave, Defendant had hired a new principal, Aisha Gary-Owens (hereinafter “Gary-Owens”).

25. Upon Plaintiff’s return from maternity leave, she was subjected to animosity and hostility from Defendant’s management, including but not limited to Bryant and Gary-Owens.

26. By way of example and without limitation, Plaintiff was written up for completely pretextual reasons, treated in a rude and condescending manner, given wrong information about her classes (which led her to report to the wrong classes), and was refused training on Defendant’s new cyber learning curriculum.

27. When Plaintiff asked for Defendant’s management (including but not limited to Bryant) to provide her with assistance and/or the same training that other teachers had (which consisted of 6-7 weeks of training), they refused.

28. Plaintiff eventually had to go to other teachers to seek information on the new program.

29. Additionally, Plaintiff was never updated about different procedures and policies that had changed while she was on maternity leave, but was then disciplined for allegedly violating one of those policies.

30. When Plaintiff asked for the principal to provide her with a copy of the policy that she purportedly violated, the principal told her to go look for it herself.

31. In the weeks leading up to Plaintiff's termination in or around November of 2020, Plaintiff informed Defendant's management that she had been diagnosed with PPD and that the work environment she was experiencing was exacerbating her condition.

32. Plaintiff also complained to Defendant's Human Resources department of the discriminatory/retaliatory treatment that she was being subjected to since her return from maternity leave.

33. Plaintiff was assured that an investigation would be done.

34. Upon information and belief, no investigation was conducted.

35. On or about November 17, 2020, Plaintiff was abruptly terminated from her employment with Defendant via Zoom.

36. Plaintiff was not given a reason for her termination.

37. Plaintiff was pretextually terminated because of her pregnancy, disability, and/or in retaliation for engaging in unquestionably protected activity.

**COUNT I**  
**Violations of the Family and Medical Leave Act ("FMLA")**  
**(Interference & Retaliation)**

38. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

39. Plaintiff was an eligible employee under the definitional terms of the FMLA, 29 U.S.C. § 2611(a)(i)(ii).

40. Plaintiff requested leave for her own medical reasons from Defendant, her employer, with whom she had been employed for at least twelve months pursuant to the requirements of 29 U.S.C.A. § 2611(2)(i).

41. Plaintiff had at least 1,250 hours of service with Defendant and was employed with Defendant for one year as of her request for FMLA qualified leave.

42. Defendants engaged in interstate commerce and employ[ed] fifty (50) or more employees for each working day during each of the twenty (20) or more calendar work weeks in the current or proceeding calendar year, pursuant to 29 U.S.C.A. § 2611(4)(A)(i).

43. Plaintiff is entitled to receive leave pursuant to 29 U.S.C.A. § 2612(a)(1) for a total of twelve (12) work weeks of leave on a block or intermittent basis.

44. Defendant committed interference and/or retaliation violations of the FMLA by: (1) constructively and/or effectively terminating Plaintiff for requesting and/or exercising her FMLA qualified rights; (2) considering Plaintiff's FMLA qualified leave needs in making the decision to constructively and/or effectively terminate her; (3) constructively and/or effectively terminating Plaintiff to intimidate her and/or prevent her from taking FMLA-qualifying leave in the future; (4) by making negative comments and/or taking actions towards her that would dissuade a reasonable person from exercising her rights under the FMLA and (5) failing to properly advise Plaintiff of her FMLA rights at the time she requested maternity leave.

45. These actions as aforesaid constitute violations of the FMLA.

**COUNT II**  
**Violations of Title VII Act of the Civil Rights Act/the Pregnancy Discrimination Act**  
**([1] Gender/Sex/Pregnancy Discrimination, [2] Retaliation and [3] Hostile Work Environment)**

**-Against Both Defendants-**

46. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

47. Plaintiff properly exhausted her administrative remedies to proceed under Title VII/PDA because she timely filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”) and the EEOC has issued Plaintiff her Notice of Right to Sue.

48. Defendant engaged in gender/sex/pregnancy discrimination for the reasons set forth herein.

49. Defendant also retaliated against Plaintiff for engaging in protected activity.

50. Plaintiff further believes and therefore avers that she was subjected a hostile work environment and ultimately terminated from her employment because of her gender/pregnancy and/or her use of maternity leave and/or her engagement in protected activity.

51. These aforesaid actions constitute violations of Title VII/PDA.

**COUNT III**

**Violations of the Americans with Disabilities Act, as Amended (“ADA”)**

**([1] Actual/Perceived/Record of Disability Discrimination, [2] Retaliation and [3] Hostile Work Environment)**

**-Against Both Defendants-**

52. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

53. Plaintiff properly exhausted her administrative remedies to proceed under the ADA because she timely filed a Charge of Discrimination with the U.S. Equal Employment

Opportunity Commission (“EEOC”) and the EEOC has issued Plaintiff her Notice of Right to Sue.

54. Plaintiff believes and avers that she was terminated from Defendant because of: (1) her known and/or perceived disabilities; (2) her record of impairment; and/or (3) her requested accommodations (which constitutes illegal retaliation).

55. Plaintiff further believes and therefore avers that she was subjected a hostile work environment and ultimately terminated from her employment because of her known and/or perceived disabilities; (2) her record of impairment; and/or (3) her engagement in protected activity.

56. These actions aforesaid constitute violations of the ADA.

**WHEREFORE**, Plaintiff prays that this Court enter an Order providing that:

A. Defendants are to promulgate and adhere to a policy prohibiting discrimination and retaliation in the future against any employee(s);

B. Defendants are to compensate Plaintiff, reimburse Plaintiff, and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendants’ illegal actions, including but not limited to back pay, front pay, salary, pay increases, bonuses, insurance, benefits, training, promotions, reinstatement and seniority;

C. Plaintiff is to be awarded liquidated damages, as permitted by applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish Defendants for their willful, deliberate, malicious and outrageous conduct and to deter Defendants or other employers from engaging in such misconduct in the future;



D. Plaintiff is to be accorded other equitable and legal relief as the Court deems just, proper and appropriate (including but not limited to damages for emotional distress, pain, suffering and humiliation; and

E. Plaintiff is to be awarded the costs and expenses of this action and reasonable attorney's fees as provided by applicable federal and state law.

F. Plaintiff demands trial by jury on all issues so triable.

Respectfully submitted,

**KARPF, KARPF & CERUTTI, P.C.**



By: \_\_\_\_\_

Ari R. Karpf, Esq.  
3331 Street Rd.  
Two Greenwood Square, Suite 128  
Bensalem, PA 19020  
(215) 639-0801

Dated: August 23, 2021

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Shakirah Abdullah

CIVIL ACTION

v.

Frederick Douglass Mastery Charter School  
d/b/a Frederick Douglass Elementary School

NO.

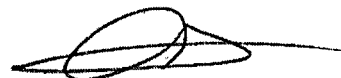
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

8/23/2021

**Date**



**Attorney-at-law**

Plaintiff

**Attorney for**

(215) 639-0801

**Telephone**

(215) 639-4970

**FAX Number**

akarpf@karpf-law.com

**E-Mail Address**

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 1734 South Hollywood Street, Philadelphia, PA 19145

Address of Defendant: 2118 West Norris Avenue, Philadelphia, PA 19121

Place of Accident, Incident or Transaction: Defendant's place of business

**RELATED CASE, IF ANY:**

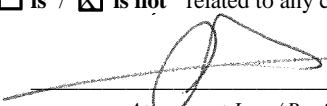
Case Number: Judge: Date Terminated:

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/23/2021

  
Attorney-at-Law / Pro Se Plaintiff

ARK2484 / 91538

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | 1. Indemnity Contract, Marine Contract, and All Other Contracts |
| <input type="checkbox"/>            | 2. FELA   |
| <input type="checkbox"/>            | 3. Jones Act-Personal Injury                                    |
| <input type="checkbox"/>            | 4. Antitrust  |
| <input type="checkbox"/>            | 5. Patent   |
| <input type="checkbox"/>            | 6. Labor-Management Relations                                   |
| <input checked="" type="checkbox"/> | 7. Civil Rights   |
| <input type="checkbox"/>            | 8. Habeas Corpus  |
| <input type="checkbox"/>            | 9. Securities Act(s) Cases                                      |
| <input type="checkbox"/>            | 10. Social Security Review Cases                                |
| <input type="checkbox"/>            | 11. All other Federal Question Cases                            |
- (Please specify):

**B. Diversity Jurisdiction Cases:**

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | 1. Insurance Contract and Other Contracts  |
| <input type="checkbox"/> | 2. Airplane Personal Injury                |
| <input type="checkbox"/> | 3. Assault, Defamation                     |
| <input type="checkbox"/> | 4. Marine Personal Injury                  |
| <input type="checkbox"/> | 5. Motor Vehicle Personal Injury           |
| <input type="checkbox"/> | 6. Other Personal Injury (Please specify): |
| <input type="checkbox"/> | 7. Products Liability                      |
| <input type="checkbox"/> | 8. Products Liability – Asbestos           |
| <input type="checkbox"/> | 9. All other Diversity Cases               |
- (Please specify):

**ARBITRATION CERTIFICATION**

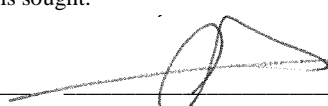
(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Ari R. Karpf, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 8/23/2021

  
Attorney-at-Law / Pro Se Plaintiff

ARK2484 / 91538

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

